

502 KAR 13:010. Application for certification under the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.

RELATES TO: KRS 15.383, 61.365, 186.412, 237.138-237.142, 446.010(29), 18 U.S.C. 926C, Pub.L. 108-277

STATUTORY AUTHORITY: KRS 237.140

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.140 provides for the certification of honorably retired elected or appointed peace officers to carry a concealed deadly weapon pursuant to 18 U.S.C. 926C and requires the Kentucky State Police to promulgate administrative regulations to implement the certification provisions. This administrative regulation establishes the requirements and procedures for certification.

Section 1. Definitions. (1) "Applicant" means an honorably retired peace officer who has applied to the Kentucky State Police to be certified to carry a concealed deadly weapon pursuant to 18 U.S.C. 926C.

(2) "Application form" means the "Commonwealth of Kentucky Carry Concealed Deadly Weapons/LEOSA: Application for License."

(3) "Honorably retired" means an elected or appointed peace officer who:

(a) Separated in good standing from service with a public agency as a law enforcement officer;

(b) Before separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(c)1. Before separation, served as a law enforcement officer for an aggregate of ten (10) years or more; or

2. Separated from service with an agency, after completing any applicable probationary period of service, due to a service-connected disability, as determined by the agency;

(d)1. Has not been officially found by a qualified medical professional employed by the agency from which the applicant separated from service to be unqualified for reasons relating to mental health; or

2. Has not entered into an agreement with the agency from which the applicant separated from service in which the applicant acknowledged that he or she is not qualified under 18 U.S.C. 926C for reasons relating to mental health;

(e) During the most recent twelve (12) month period, has met, at the expense of the retired peace officer, Kentucky's standards for training and qualifications for active law enforcement officers to carry firearms, as set out in KRS 15.383;

(f) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(g) Is not prohibited by Federal law from receiving a firearm.

(4) "Peace Officer" is defined by KRS 446.010(29) and 61.365.

Section 2. An application form shall be identified by a unique number that shall be:

(1) Expressed on the application form as a bar code that contains the application number;

(2) Used as the identifying number for the applicant; and

(3) Machine and human readable.

Section 3. Application forms shall:

(1) Not be stored in an area accessible to the public; and

(2) Not be removed from the office of the sheriff except as permitted by Section 6(4) of this administrative regulation.

Section 4. A sheriff shall issue an application form to an applicant if:

- (1) An applicant meets the requirements established by KRS 237.138 to 237.142;
- (2) The sheriff has verified that an applicant is qualified for certification pursuant to KRS 237.138 to 237.142 and this administrative regulation;
- (3) An applicant has submitted the material required by KRS 237.138 to 237.142 and this administrative regulation;
- (4) Verification that an applicant is a Kentucky resident is made by:
 - (a) Submission of a valid Kentucky operator's license or personal identification card issued by a circuit court clerk pursuant to KRS 186.412;
 - (b) Personal knowledge of the sheriff; or
 - (c) Confirmation by another governmental agency; and
- (5) Verification of an applicant's Social Security number is made by submission of:
 - (a) The applicant's Social Security card; or
 - (b) A governmental agency document that contains the applicant's name and Social Security number.

Section 5. Completion of Application Form. An applicant shall:

- (1) Complete an application;
- (2) Sign the application in the applicant signature block of the application form in ink;
- (3) Provide the information required by KRS 237.110(7)(a) through (e) on the application form;
- (4) Not fold or tear the form;
- (5) Use a black ink pen to complete the form;
- (6) Not mark or otherwise make an entry in the "For Sheriff's Dept. Use Only" portion;
- (7) Fill each bubble completely;
- (8) Fill in or enter information, as appropriate, within a column block or bubble;
- (9) Write within the constrained areas;
- (10) Use upper case (capital) letters;
- (11) Provide a photograph of the applicant complying with the provisions of 502 KAR 13:070;
- (12) Submit the following completed forms to the sheriff to be attached to the application form:
 - (a) A Peace Officer Range Qualification Certification-LEOSA (KSP 123);
 - (b) LEOSA Applicant Certification (KSP 124A); and
 - (c) LEOSA Law Enforcement Retirement Certification (KSP 124B); and
- (13) Not be required to pay an application fee.

Section 6. Sheriff's Duties. (1) If an applicant fails to follow the instructions for completion of an application, the sheriff shall:

- (a) Destroy the improperly completed application; and
 - (b) Require the applicant to complete a new application form.
- (2) The sheriff shall complete in black ink the lower right hand portion of the application form titled "For Sheriff's Dept. Use Only" by:
- (a) Completing the ORI Number;
 - (b) Filling in the date of application;
 - (c) Indicating the applicant is a retired peace officer;

- (d) Indicating the applicant is seeking LEOSA certification; and
- (e) Signing in the portion labeled "Authorizing Official Signature."
- (3) The sheriff shall place the following material in a single applicant packet:
 - (a) The applicant's completed application form;
 - (b) A photograph of the applicant complying with the provisions of 502 KAR 13:070; and
 - (c) A completed KSP 123, 124A, and 124B.
- (4) The sheriff shall mail single applicant packets:
 - (a) In a bulk mailer; and
 - (b) On dates established by the "CCDW-LEOSA Application Mailing Schedule For Sheriffs."

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Commonwealth of Kentucky Carry Concealed Deadly Weapons/LEOSA: Application for License", October 2009;
 - (b) "CCDW-LEOSA Application Mailing Schedule For Sheriffs", July 2006;
 - (c) "Peace Officer Range Qualification Certification-LEOSA", KSP 123, 07/05;
 - (d) "LEOSA Applicant Certification", KSP 124A, December 2010; and
 - (e) "LEOSA Law Enforcement Retirement Certification", KSP 124B, December 2010.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Criminal Identification and Records Branch, Kentucky State Police, 1266 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday 8 a.m. to 4:30 p.m., phone, (502) 227-8700. (32 Ky.R. 437; 623; eff. 11-4-05; 34 Ky.R. 1200; 1721; eff. 2-1-2008; 686; 911; eff. 12-2-11.)